

**Sixtieth Legislative Assembly of North Dakota
In Regular Session Commencing Wednesday, January 3, 2007**

SENATE BILL NO. 2127
(Education Committee)
(At the request of the Division of Independent Study)

AN ACT to amend and reenact sections 15-19-01, 15-19-02, 15-19-03, 15-19-04, 15-19-06, and 15-19-08, subsection 11 of section 15-39.1-04, section 15.1-21-02.1, subsections 1 and 2 of section 15.1-23-17, and subsection 8 of section 54-59-18 of the North Dakota Century Code, relating to renaming the division of independent study the center for distance education.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15-19-01 of the North Dakota Century Code is amended and reenacted as follows:

15-19-01. ~~Correspondence~~ Distance education courses - Establishment - Enrollment of students - Courses of instruction. The state shall provide ~~correspondence~~ distance education courses through the ~~division of independent study~~ center for distance education under the following provisions:

1. A complete curriculum by ~~correspondence~~ distance education which has been specifically determined by the superintendent of public instruction as proper and suitable for instruction under ~~correspondence~~ distance education methods, such determination and approval to be made not less than once in each school year, must be maintained upon the campus of one of the state institutions of higher education.
2. Unless specifically excused in writing upon the course application forms by the superintendent or an administrator of the school approving the enrollment application, or as provided in subsection 5, all students under the age of sixteen taking advantage of the provisions of this chapter must be required to attend their local district schools and to study their ~~correspondence~~ distance education lessons under the supervision of a local supervisor. If not required to attend their local schools, their work may be done at a place designated by the state director. If in attendance at a local school, students must be supplied with desk space in their respective school without charge and shall attend school regularly and be under the same disciplinary supervision of the teachers as the other school students.
3. The ~~division of independent study~~ center for distance education may provide services to persons who are not North Dakota residents.
4. ~~Correspondence~~ Distance education students shall pay for books and materials used by them, postage required to mail reports to the ~~division~~ center, and other fees as may be prescribed by the state director.
5. Students exempt from the compulsory school attendance laws pursuant to subdivision e of subsection 1 of section 15.1-20-02 may enroll in ~~correspondence~~ distance education courses offered through the ~~division of independent study~~ center for distance education. These students may study their ~~correspondence~~ distance education lessons in their learning environment under the supervision of a parent. The tests for the ~~correspondence~~ distance education study must be administered by an individual who is licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board and employed either by the public school district in which the parent resides or a state-approved private or nonpublic school.

SECTION 2. AMENDMENT. Section 15-19-02 of the North Dakota Century Code is amended and reenacted as follows:

15-19-02. Administration - Director of ~~division of independent study~~ center for distance education - Appointment and duties. The program of and all activities related to the ~~division of independent study~~ center for distance education are the responsibility of and under the supervision of the educational technology council. The educational technology council shall hire a state director of the ~~division of independent study~~ center for distance education who must be classified under the state personnel merit system. The director shall carry out the director's responsibilities in the administration of the ~~division of independent study~~ center for distance education in the manner approved by the educational technology council.

SECTION 3. AMENDMENT. Section 15-19-03 of the North Dakota Century Code is amended and reenacted as follows:

15-19-03. Duties of superintendents of schools - Authorization of enrollments. All applications for enrollment of persons under the age of sixteen years must be approved by the superintendent or an administrator of a school in the district prior to acceptance of enrollment by the ~~division of independent study~~ center for distance education. All applications for enrollment of persons under the age of sixteen not residing in a high school district must be approved by the county superintendent of schools prior to the acceptance of such enrollment.

SECTION 4. AMENDMENT. Section 15-19-04 of the North Dakota Century Code is amended and reenacted as follows:

15-19-04. Duty of superintendent - Advertising. The superintendent or an employee of the department of public instruction designated by the superintendent shall ensure that the courses offered by the ~~division of independent study~~ center for distance education meet state content standards and shall monitor compliance with sections 15.1-18-02 and 15.1-18-03. The ~~division of independent study~~ center for distance education may advertise its ~~correspondence~~ distance education program.

SECTION 5. AMENDMENT. Section 15-19-06 of the North Dakota Century Code is amended and reenacted as follows:

15-19-06. Special funds - Deposit of collections - Transfers from general fund appropriations.

1. A special operating fund for the ~~division of independent study~~ center for distance education must be maintained within the state treasury and all income and fees collected by the ~~division of independent study~~ center for distance education from any source must be remitted monthly by the director to the state treasurer and credited to the special operating fund. All expenditures from the fund must be within the limits of legislative appropriations and must be made upon vouchers, signed and approved by the technology director appointed by the educational technology council. Upon approval of the vouchers by the office of the budget, warrant-checks must be prepared by the office of management and budget. The state treasurer shall make periodic transfers upon order of the director of the office of management and budget from the ~~division of independent study~~ center for distance education general fund appropriation to the special operating fund whenever its balance falls so low as to require supplementation.
2. The educational technology council may establish an administrative operational fund, of not to exceed ten thousand dollars, out of the special operating fund for the ~~division of independent study~~ center for distance education. The administrative operational fund must be deposited in the Bank of North Dakota and may be drawn upon by the state director of the ~~division of independent study~~ center for distance education for the payment of necessary expenses in the administration and operation of the ~~division of independent study~~ center for distance education within the limits and rules prescribed by the educational technology council. The director shall submit a full, minute, and itemized

statement of every expenditure made during the month to the council in accordance with the rules adopted by the council, and thereafter the council may periodically authorize additional transfers to the administrative operational fund, but the balance in the fund may never exceed ten thousand dollars, and any unencumbered balance at the end of any biennium must revert to the state treasury. The administrative operational fund may not be used to pay salaries or expenses of the director.

3. The educational technology council may establish a scholarship fund to provide financial grants to students enrolled in courses offered through the ~~division of independent study center for distance education~~. The scholarship fund may consist only of those funds specifically appropriated by the legislative assembly and property received by the council or the ~~division of independent study center for distance education~~ as a gift, devise, or bequest. Any gift, devise, or bequest of property received by the council or ~~division of independent study center for distance education~~ which is designated by the council and donor for the scholarship fund must be deposited in the scholarship fund at the Bank of North Dakota. The state director of the ~~division of independent study center for distance education~~ may draw only on the interest earned by the scholarship fund for the award of scholarships within the limits and rules adopted by the educational technology council. The interest earned by the scholarship fund is appropriated to the ~~division of independent study center for distance education~~.

SECTION 6. AMENDMENT. Section 15-19-08 of the North Dakota Century Code is amended and reenacted as follows:

15-19-08. Correspondence Distance education work. The amount of money appropriated by the legislative assembly for ~~correspondence distance education~~ work for a biennium, or so much thereof as may be necessary, must be expended first for work by ~~correspondence distance education~~.

SECTION 7. AMENDMENT. Subsection 11 of section 15-39.1-04 of the North Dakota Century Code is amended and reenacted as follows:

11. "Teacher" means:
 - a. All persons licensed by the education standards and practices board who are contractually employed in teaching, supervisory, administrative, or extracurricular services by a state institution, special education unit, school board, or other governing body of a school district of this state, including superintendents, assistant superintendents, business managers, principals, assistant principals, and special teachers. For purposes of this subdivision, "teacher" includes persons contractually employed by one of the above employers to provide teaching, supervisory, administrative, or extracurricular services to a separate state institution, state agency, special education unit, school board, or other governing body of a school district of this state under a third-party contract.
 - b. The superintendent of public instruction, assistant superintendents of public instruction, county superintendents, assistant superintendents, supervisors of instruction, the professional staff of the department of career and technical education, the professional staff of the ~~division of independent study center for distance education~~, the executive director and professional staff of the North Dakota education association who are members of the fund on July 1, 1995, the professional staff of an interim school district, and the professional staff of the North Dakota high school activities association who are members of the fund on July 1, 1995.
 - c. The executive director and professional staff of the North Dakota council of school administrators who are members of the fund on July 1, 1995, and licensed staff of teachers centers, but only if the person was previously a member of and has credits in the fund.

- d. Employees of institutions under the control and administration of the state board of higher education who are members of the fund on July 16, 1989.

SECTION 8. AMENDMENT. Section 15.1-21-02.1 of the North Dakota Century Code is amended and reenacted as follows:

15.1-21-02.1. High school coursework requirements. Before a school district, a nonpublic high school, or the ~~North Dakota division of independent study~~ center for distance education issues a high school diploma to a student, the student must have successfully completed at least twenty-one units of high school coursework from the minimum required curriculum offerings established by section 15.1-21-02.

SECTION 9. AMENDMENT. Subsections 1 and 2 of section 15.1-23-17 of the North Dakota Century Code are amended and reenacted as follows:

1. A child's school district of residence, an approved nonpublic high school, or the ~~North Dakota division of independent study~~ center for distance education may issue a high school diploma to a child who, through home education, has met the issuing entity's requirements for high school graduation provided the child's parent submits to the issuing entity a description of the course material covered in each high school subject, a description of the course objectives and how the objectives were met, and a transcript of the child's performance in grades nine through twelve.
2. In the alternative, a high school diploma may be issued by the child's school district of residence, an approved nonpublic high school, or the ~~North Dakota division of independent study~~ center for distance education provided the child, through home education, has completed at least twenty-one units of high school coursework from the minimum required curriculum offerings established by law for public and nonpublic schools and the child's parent or legal guardian submits to the issuing entity a description of the course material covered in each high school subject, a description of the course objectives and how the objectives were met, and a transcript of the child's performance in grades nine through twelve. The issuing entity may indicate on a diploma issued under this subsection that the child was provided with home education.

SECTION 10. AMENDMENT. Subsection 8 of section 54-59-18 of the North Dakota Century Code is amended and reenacted as follows:

8. Hire the director of the ~~division of independent study~~ center for distance education.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixtieth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2127.

Senate Vote: Yeas 46 Nays 0 Absent 1

House Vote: Yeas 90 Nays 0 Absent 4

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2007.

Approved at _____ M. on _____, 2007.

Governor

Filed in this office this _____ day of _____, 2007,
at _____ o'clock _____ M.

Secretary of State